

MACOMB TOWNSHIP ZONING BOARD OF APPEALS
MINUTES OF SPECIAL MEETING HELD ON
JUNE 28, 2005

LOCATION: MACOMB TOWNSHIP MEETING CHAMBERS
54111 BROUGHTON ROAD, MACOMB, MI 48042

PRESENT: CHAIRMAN, BRIAN FLORENCE
MEMBERS: EDWARD GALLAGHER
TONY POPOVSKI
DAWN SLOSSON

ABSENT: VICTORIA SELVA

ALSO PRESENT: JEROME R. SCHMEISER, PLANNING CONSULTANT
(Additional attendance record on file with Clerk)

Call Meeting to Order.

Chairman FLORENCE called the meeting to order at 7:05 P.M.

1. Roll Call.

Secretary SLOSSON called the Roll Call. Member SELVA absent.

2. PLEDGE OF ALLEGIANCE.

3. Approval of Agenda Items. *(with any corrections)*
Note: All fees have been received and all property owners were notified by mail

MOTION by GALLAGHER seconded by POPOVSKI to approve the agenda as presented.

MOTION carried.

4. Approval of the previous meeting minutes:

MOTION by POPOVSKI seconded by SLOSSON to approve the meeting minutes of May 31, 2005 as presented.

MOTION carried.

PURPOSE OF HEARING:

To consider the requests for variance(s) of Zoning Ordinance No. 10 for the following:

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Agenda Number/Petitioner/ Permanent Parcel No.	Zoning Ordinance Section No.
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(5) Michael D'Agostini Permanent Parcel No. 08-18-400-015	Section 10.2107(A)(1)
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5. VARIANCE FROM THE PROVISION OF THE ZONING ORDINANCE;
Permission to vary section: 10.2107(A)(1) Request to reduce a parcel from the required 2 acres to 1.31 acres
Located on Southwest corner of Quadrate Drive and the proposed extension of Leone Drive (approx. 2,000' North of 23 Mile Road); Section 18; Michael D'Agostini; Petitioner. Permanent Parcel No. 08-18-400-015.

Chairman FLORENCE read the findings and recommendations of June 23, 2005. They are as follows:

The petitioner is requesting a variance to allow the creation of a 1.31 acre parcel. The petitioner is planning to create 5 parcels out of a 31.87 acre parcel. The unique situation is that the 31.87 acre parcel will be naturally divided by an east-west industrial collector road, Leone Drive, and a north-south industrial street, Quadrate Drive. Two of the parcels created via the split process are fixed by the development of Leone and Quadrate and therefore, cannot be created in any other fashion.

The property is zoned M-1, industrial. The zoning ordinance requires that freestanding parcels not included in a plat must have a minimum of 2 acres. If the parcel is to be included in a plat, a minimum 1 acre is required. As noted above, the parcel in question, located on the southwest corner of proposed Leone and Quadrate Drives, is limited in its size to 1.31 acres.

RECOMMENDATION:

It is recommended that the variance request be granted because the location and alignment of both Leone and Quadrate Drives is such that little else can be done to provide for the creation of the required 2 acre parcel.

The following letter of explanation was submitted by the petitioner dated June 14, 2005 as follows:

“The reason for this variance is so that we may complete the parcel splits as shown in the survey prepared by Fenn & Associates. Parcel E would fall short of the required 2 acres needed for an independent parcel.

1. The strict enforcement of the Township ordinance would present us with an unnecessary hardship leaving a 1.31 acre parcel when neighboring lots are of equal or lesser sizes.

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2. The location of this parcel, being a corner lot makes it impossible to combine or make larger, due to the location of the roads which can't be changed.
3. The circumstances were not created by the owner because road center lines were determined by existing subdivision thus making it impossible to change.
4. The requested variance will not confer special privileges because this parcel will be uniform in size with the existing lots in the subdivision to the south."

Michael D'Agostini, petitioner, was in attendance and stated that the findings covered the situation and that the requested parcel would blend into the existing Quadrate Subdivision Phase I.

Jerome R. Schmeiser, Planning Consultant, questioned Michael D'Agostini about the intention of the development of both Quadrate Drive and Leone Drive.

Michael D'Agostini responded that they are built and have been inspected. Further, they are turned into the Macomb County Road Commission for dedication.

Public Portion:

Fred Froehlich, 52603 Westcreek, asked if the distance was going to be 349 feet⁶ from Leone Drive to the rear property line of Westcreek Commons.

Richard Loewen, 52168 Jacqueline, asked if the division being requested were granted if it would set a precedence.

Jerome R. Schmeiser, Planning Consultant, stated the parcels being created could further be subdivided to 1 acre sites and noted that there would be a wall that would be built along the north property line, which abuts Westcreek Commons.

Jean Loewen, 52168 Jacqueline, asked how tall the wall would be.

Jerome R. Schmieser, Planning Consultant, stated the wall would be six feet from the highest point of grade.

A lady in the audience asked where the wall would be constructed.

Jerome R. Schmeiser, Planning Consultant, stated it would be on the property line.

MOTION by GALLAGHER seconded by SLOSSON to close the public portion.

MOTION carried.

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The following resolution was offered by GALLAHGER and seconded by POPOVSKI:

Whereas, it has been satisfactorily presented that special conditions prevail that would cause an unnecessary hardship if the request would be denied and that conditions exist that are unique to the property and the granting of the request would not confer special privileges for the petitioner that would be denied other similar properties, that the variance request would be consistent with the spirit and intent of the Macomb Township Zoning Ordinance No. 10 under the findings and facts herein set forth;

Now, therefore, be it resolved that pursuant to the action of the Board that Section 10.2107(A)(1)-Request to reduce a parcel from the required 2 acres to 1.31 acres; Located on Southwest corner of Quadrante Drive and the proposed extension of Leone Drive (approx. 2,000' North of 23 Mile Road); Section 18; Michael D'Agostini; Petitioner. Permanent Parcel No. 08-18-400-015. The variance was granted with conditions that the rear, side and front yard requirements, parking and outside storage requirements be adhered to and that no other variances be sought.

MOTION carried.

6. OLD BUSINESS

None.

7. NEW BUSINESS

Jermoe R. Schmeiser, Planning Consultant, stated the next scheduled meeting is July 12, 2005.

8. PLANNING CONSULTANTS COMMENTS

None.

9. MOTION TO RECEIVE AND FILE ALL CORRESPONDENCE IN CONNECTION WITH THIS AGENDA.

MOTION by GALLAGHER seconded by SLOSSON to receive and file all correspondence.

MOTION carried.

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ADJOURNMENT

MOTION by SLOSSON seconded by POPOVSKI to adjourn the meeting at 7:21 P.M.

MOTION carried.

Respectfully submitted,

Brian Florence, Chairman

Dawn Slosson, Secretary

Beckie Kavanagh, Recording Secretary

BK